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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s)	Applicant(s)	
	09/838,436	CSERI ET AL.	
	Examiner	Art Unit	
	Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

New Examiner

1. The application has been transferred to a new examiner, who will give full faith and credit to the search and consideration of the original examiner. The examiner's contact information is below.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 and 30-38 have been considered but are moot in view of the new ground(s) of rejection.

3. In the response to the last office action, the applicant changed the scope of the claims by adding "having the most significant bit of at least one token be designated as a continuation flag" to all independent claims. The examiner has determined that the change in scope is materially sufficient to necessitate search and consideration of the added limitations and/or clarifications. As a result, a final amendment is necessitated even if the examiner provides a new art rejection. The examiner acknowledges that no new matter has been added by this amendment.

4. The 112 rejection is withdrawn in light of the amendment and remarks.

5. The original art rejections have been withdrawn in light of the amendment. New art will be added regarding continuation flags within tokens.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girardot et al. (XML article, previously cited) in view of Shadmon et al. (6,804,677).

8. For claims 1, 11, Girardot teaches a method and system (Title and Abstract) for generating a data stream (Pp. 747-749, Sections 1 and 2) according to a binary format (P. 749, section 3, Paras. 1-2) of a tag-based description language (Section 3) comprising tokenizing tag names into numeric tokens (Tables 1 and 2) for use in the data stream (P. 750-751, section 3, example code 1), wherein the numeric tokens are in incrementally consumable form (Section 4, esp. section 4.3 re parsing tokens in order).

9. For claims 12, 23, Girardot teaches a method and system (Title and Abstract) for receiving a well-formed document (Pp. 747-749, Sections 1 and 2) in a text format (P. 750, source doc 1) of a tag-based description language (section 3) and converting the document to a binary format format (P. 749, section 3, Paras. 1-2) via tokenization of the tag and attribute names (section 3) into numeric tokens (Tables 1 and 2), wherein the tokens are in incrementally consumable form (Section 4, esp. section 4.3 re parsing tokens in order).

10. For claim 16, Girardot teaches a method and system (Title and Abstract) for assembling data (Pp. 747-749, Sections 1 and 2) into a document (P. 751, section 3, example code 2) according to a binary format (P. 749, section 3, Paras. 1-2) by tokenizing the tag and attribute names (section 3) into variable sized numeric tokens (Tables 1 and 2), wherein the numeric tokens are in incrementally consumable form (Section 4, esp. section 4.3 re parsing tokens in order).

11. For claim 20, Girardot teaches a method and system (Title and Abstract) for receiving a document (Pp. 747-749, Sections 1 and 2) formatted according to a binary format (P. 749,

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section 3, Paras. 1-2) of a tag-based description language (section 3), wherein the document is consumed incrementally (Section 4, esp. section 4.3 re parsing tokens in order), and directly parsing the data in the document for use by another element in a computer system (section 4).

12. For claims 27, 37, Girardot teaches a method and system (Title and abstract), including a transmitting device (P. 761, Fig. 2) transmitting a streaming fashion data (Pp. 747-749, Sections 1 and 2) formatted according to a tag-based description language (section 3), for generating a data stream according to a binary format (P. 749, section 3, Paras. 1-2) of the tag-based description language (Tables 1 and 2), comprising:

- a. For each unique tag name, at the first time a tag name of the data is encountered, tokenizing the tag name into a numeric token and transmitting the token and the text associated with the tag name (section 3), wherein the numeric tokens are in incrementally consumable form (section 4); and
- b. At any time subsequent to the first time that the tag name of the data is encountered, transmitting the numeric token without the text (sections 3 and 4.2).

13. For claim 38, Girardot teaches a method and system (title and abstract) for generating a data stream (Pp. 747-749, Sections 1 and 2) according to an XML binary format (P. 750, col. 1, Para. 2), comprising tokenizing tag names and attribute names into variable sized numeric tokens (section 3), wherein the numeric tokens are in incrementally consumable form (section 4), wherein said tokenizing of attributes enables values natively stored as binary data types to be inserted into the data stream (section 3), wherein said tokenizing of tag names includes inserting a name definition construct into the data stream the first time a tag name is encountered for

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purposes of recreating the tag names by a device that receives the data stream (section 4), thereby decreasing parsing time (section 4.2).

14. Further regarding claims 1, 11, 12, 16, 20, 23, 27, 37, and 38, Girardot does not expressly disclose having the most significant bit of at least one token be designated as a continuation flag. Shadmon teaches a method and system (title and abstract) of handling XML documents (col. 1, line 1 – col. 11, line 45), by encoding XML components via tokens (col. 12, line 59 – col. 13, line 45 and col. 14, lines 1-10), wherein the numeric tokens are in incrementally consumable form by having the most significant bit of at least one token be designated as a continuation flag (col. 14, line 37 – col. 16, line 50). At the time the invention was made, one of ordinary skill in the art would have added Shadmon's teachings to Girardot in order to handle XML documents wherein the order of presented objects is critical to maintain (col. 14, lines 35-60).

15. For claims 2, 28, Girardot teaches tokenizing attribute names into numeric tokens (section 3; tables 1 and 2).

16. For claims 3, 30, Girardot teaches that said numeric tokens for tag names are variable sized (P. 750, table 1).

17. For claims 4, 31, Girardot teaches that said numeric tokens for attribute names are variable sized (P. 750, table 1).

18. For claims 5, 13, 17, 24, 32, Girardot teaches that said tokenizing of attributes enables values natively stored as binary data types to be inserted into the data stream (P. 750, col. 1, Para. 2).

19. For claims 6, 14, 18, 25, Girardot teaches that said tokenizing of tag names includes inserting a name definition construct into the data stream the first time a tag name is encountered

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for purposes of recreating the tag names by a device that receives the data stream (P. 751, section 4).

20. For claims 7, 15, 19, 22, 26, 33, Girardot teaches that the tag-based description language is extensible markup language (XML) (P. 750, col. 1, para. 2).

21. For claims 8, 34, Girardot teaches that the tokenizing of the tag and attribute names decreases the time elapsed parsing the data stream by a device that receives the data stream, the time being decreased relative to the parsing of a corresponding text-based format of the tag-based description language (P. 752, section 4.2).

22. For claims 9, 35, Girardot teaches that the tokenizing of the tag and attribute names decreases overhead incident to formatting data for representation according to the tag-based description language (P. 751, col. 1, section 4.0, Paras. 1-2).

23. For claims 10, 36, Girardot teaches that the tokenizing of the tag and attribute names decreases the size of the resulting data file formatted according to the tag-based description language (P. 748, col. 1, para. 2; P. 748, col. 2, para. 4; P. 751, col. 1).

24. For claim 21, Girardot teaches that, before said parsing, said method includes converting the document to a text format of the tag-based description language (Pp. 752-753, section 4.2).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further teachings on tag tokenization and in utilization of continuation flags and pointers.

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26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887.

The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MHP

06 June 2006


JASON CARDONE
SENIOR ADVISORY PATENT EXAMINER